

REMARKS

In the Office Action dated February 10, 2004, claims 4-7 and 11-16 are rejected under 35 USC §112, second paragraph. Claims 1, 3, 7-10 and 15 are rejected under 35 USC §102(e). Claims 11-14 and 16 are rejected under 35 USC §103(a). Claims 4-7 are indicated as being allowable if rewritten to overcome the rejection under 35 USC §112, second paragraph and to include all of the limitations of the base claim and any intervening claim.

Accordingly, for the reasons set forth hereafter, it is respectfully submitted that all rejections have been addressed and overcome such that claims 1, 3-14 and 16 include features which are not anticipated or rendered obvious by the cited references, taken singly or in any permissible combination. Reconsideration is, therefore, respectfully requested.

Claims 4-7 and 11-16 are rejected under 35 USC §112, second paragraph. The Examiner's noted terms have been revised. As such, it is respectfully submitted that Applicant's invention as set forth in claims 4-7 and 11-16 is particularly pointed out and distinctly claimed.

Further, claims 4 and 7 have each been amended to independent form including all of the limitations of base claim 1. Thus, it is submitted that claims 4-7 are in condition for allowance as noted by the Examiner.

Claims 1, 3, 7-10, and 15 are rejected under 35 USC §102(e).

First, it is pointed out that there is a discrepancy between paragraph 6 of the Office Action which indicates that claim 7 is rejected and paragraph 9 of the Office Action which indicates that claim 7 would be allowable if rewritten. Applicant has amended claim 7 to independent form and submits that it is allowable.

Turning to the rejection, the Examiner contends that Mouws teaches all of the features of Applicant's invention as set forth in claim 1, and claims 3, 7-10 and 15 which depend therefrom. The Examiner specifically notes that Mouws teaches an attachment means including a strap and a connector means for releasibly tightening the strap and the enclosure about a vehicle steering column using a single hand. The Examiner further states that the single hand features is considered by the Examiner to be intended use and as such has been given little patentable weight.

The Examiner also specifically comments on Applicant's previously submitted arguments with respect to Mouws by explaining how Mouws teaches one hand operation.

Applicants submits with respect to claim 1 that Applicant's invention as defined therein evokes 35 USC §112, sixth paragraph in that all the recited structure is in "means plus function" form. This "means plus function form" requires consideration of the function of the attachment means including the strap means and the connector means which are arranged for single or one hand operation in tightening the open end of the enclosure about a vehicle steering column.

The Examiner still contends that a user of Mouws' device would merely hold onto the cord and continue to wrap it around the steering column. The only reason to drop the cord would be if a steering column did not end at the wheel but continued to the roof of the vehicle.

First, the Examiner has overlooked the circumstances in which Applicant's invention is used. The invention is intended to be mounted about a vehicle steering column and over a steering wheel after a collision wherein a driver is situated close to the steering column and must be extricated from the vehicle while containing any inflation of the airbag in the steering wheel from the driver or an emergency person located adjacent to the driver in the process of performing a rescue. The confined space between the driver and the steering wheel after a collision would typically prevent any wrapping of the cord of Mouws many times about the steering column by using a single hand located between the driver and the steering wheel and a general motion following the circular steering wheel. Further, even if such space was available, the cord would be extended at an angle from the open end of the enclosure, such as at the point of the lead line in Figs. 2 or 3 of Mouws, to an end located in front of the steering wheel. This places the end of the cord away from the side of the steering column which would have a tendency to pull the end of the enclosure toward the steering wheel and driver thereby preventing tension from being continuously applied to the cord during the wrapping operation to tightly secure the open end of the enclosure about the steering column.

In Applicant's invention, on the other hand, the strap means and the connector means are arranged for one hand operation from the side of the steering column

behind the steering wheel by pulling the strap means in one direction through the connector means. This applies the closing force directly on the open end of the enclosure and does not require any manipulation of the strap means between the steering wheel and the driver of the vehicle as would be necessary for a single hand operation of Mouws' device.

For these reasons, it is respectfully submitted that Applicant's invention as set forth in claim 1, and claims 3, 7-10 and 15 which depend therefrom, includes features which are not anticipated by Mouws.

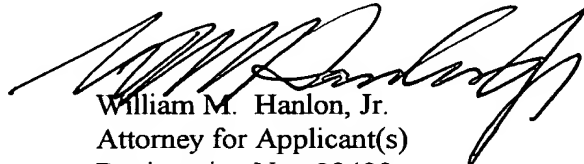
Claims 11-14 and 16 are rejected under 35 USC §103(a) as being unpatentable over Mouws. The Examiner contends that it would have been obvious to one of ordinary skill in the art to make the cord out of ballistic grade NYLON so as to provide the cord with sufficient strength.

By dependency, it is respectfully submitted that Applicant's invention as set forth in claims 11-14 and 16 patentably defines over Mouws for the same reasons set forth above with respect to independent claim 1.

In conclusion, for the reasons set forth above, it is respectfully submitted that Applicant's invention as set forth in the claims includes features which are not anticipated or rendered obvious by the cited reference as posed by the Examiner. Thus, it is submitted that claims 1, 3-14 and 16 are in condition for allowance; a notice of which is respectfully requested.

Respectfully submitted,

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